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November 1, 2001

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

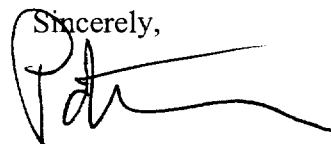
VIA COURIER

Magalie R. Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: *Ex Parte*
CC Docket No. 96-98

Dear Ms. Salas:

Pursuant to Sections 1.1206 of the Commission's rules, this will provide notice that on October 31, 2001, Jonathan Askin, Association for Local Telecommunications Services; Pamela Arluk, Focal Communications Corporation; Wanda Montano, US LEC Corporation, and the undersigned met with: (1) Jordan Goldstein, Office of Commissioner Michael Copps, (2) Matthew Brill, Office of Commissioner Kathleen Abernathy, and (3) Linda Kinney, Debra Weiner, and Andrea Kearney, Office of General Counsel concerning issues in the above-captioned proceeding. We presented the views set forth in the attached document which was provided at the meetings.

Sincerely,


Patrick J. Donovan

PJD/aeg-390209

Enclosures

cc: Jordan Goldstein
Matthew Brill
Linda Kinney
Debra Weiner
Andrea Kearney

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List A B C D E

SPECIAL ACCESS PERFORMANCE METRICS

**Focal Communications Corporation
US LEC Corp.**

October 31, 2001

Why should the FCC care?

- Used by a preponderance of CLECs to provision their services
- Encourages competition by providing oversight of ALL services - not just those created as a result of TA 96
- Without FCC-mandated standards, ILECs have no incentive to behave
- Penalties must be meaningful
 - not just a cost of doing business

Why do CLECs use special access?

- ILECs refused to provision UNEs in 1996 and 1997 due to appeal of August 1996 FCC Order
- Special access has existed since divestiture
- Time tested operating processes, methods and procedures for maintenance and provisioning
pre-exist TA '96
- Access Service Requests are “old hat” to ILECs
- CLECs pay a premium over UNEs for all of the above reasons

Pros & Cons of UNEs vs. Special Access

- requirement for collocation - not all CLECs collocate
- requirement that commingling not occur
 - DS1, DS3, Ocxx
- CLEC networks are in place and operating
 - why change them now?

New York Experience

- CLECs have experienced extremely inconsistent and often poor provisioning of special access circuits.
- August, 2000, Focal filed a complaint with the New York Public Service Commission outlining Verizon's poor provisioning of special access circuits in New York.

New York Experience (Cont'd)

- For Completed Orders (Pre-Complaint)
 - FOC: 15 business days
 - Installation: 35.8 business days
 - Completion by FOC date: 16.3
- For Pending Orders
 - FOC: 19.6 days
 - Installation: 77.9
 - Completion by FOC date: 22

New York Experience (Cont'd)

- In response to Focal's complaint and informal complaints of other carrier, the NY Commission initiated a proceeding regarding Verizon's provisioning of special services.
- On May 22, 2001, the Commission wrote to the FCC, stating that "[w]e have determined, based on the record in the proceeding, that Verizon remains the dominant provider of facilities for special services, that Verizon's provisioning performance for special services is significantly below our service quality standards, and that Verizon may be treating other carriers less favorably than its end users."

New York Experience (Cont'd)

- The Commission included a question in the letter regarding Special Services ordered out of the FCC tariffs.
- Similar experiences in Tennessee and Georgia

Why Performance Measures?

- ILECs forced CLECs to Special Access so no oversight
- Network outages ridiculously high
- Provisioning intervals & performance acceptable
- Conversion to UNEs not practical
- Focal and US LEC order all of their special access services from the FCC tariff and most CLECs do as well.

Recommendation

- The FCC should either quickly adopt Federal performance measurements, or should make it clear to the states that they are free to adopt performance measurements encompassing special access services ordered from the Interstate tariff.

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